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BY ELECTRONIC CASE FILING

Hon. Robert M. Levy
United States Magistrate
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Finazzo and Dey, CR 10-457 (RRM)

Dear Judge Levy:

This letter is submitted on behalf of our client Aeropostale, Inc., in reference to the subpoena issued to it in this case by the Defendants. At the last Court appearance, the Court directed that counsel for Aeropostale and Defendants make arrangements for the inspection of back-up computer tapes that may contain electronic information that may be the subject of the subpoena.

Aeropostale has made those arrangements and the back-up computer tapes will be examined by Kroll. Defense counsel have been made aware of these arrangements but the tapes have not yet been inspected. It is respectfully requested, then, that the conference scheduled for March 1, 2012 to report on the progress of the examination be held by telephone, or, alternatively, adjourned to March 8, 2012, at which time further information should be available.

Respectfully Submitted,

WHITE AND WILLIAMS LLP

By: _____

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